

REMARKS

Claims 1, 5, 9, 17, 18, 25, 26, 28, 29, and 31-34 have been amended.

Claim 24 has been cancelled without prejudice with respect to future filings.

Claims 1-23 and 25-35 are currently pending in this application.

Claims 1, 25, 27, and 31 are currently independent form.

1. Amendments to the Specification

At page 18, line 1, the term "CLAIMS" has been changed to read "I Claim:" at the request of the Examiner. No other changes have been made, and no new matter has been added.

2. Amendments to the Drawings

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference numeral "112" mentioned in Para. [0033]. Figure 5 has been amended to insert reference numeral "112" which indicates a generic communications interface alternatively identified by reference numeral "12". Applicant respectfully notes that reference numeral "112" further appears in original Figures 3 and 4.

3. Use of Trademarks

The Examiner has indicated that the terms "Bluetooth" and "VoiceXML" used throughout the application are trademarks, and as such, should be capitalized wherever they appear and be accompanied by generic terminology.

Applicant acknowledges that the term "Bluetooth" is a registered trademark, and appropriate corrective action has been taken where required to clarify this. However, the term "VoiceXML" is not believed to be a registered trademark. A search of the USPTO TESS databases reveals no "Live" registrations for the term "VoiceXML". Rather, the term is used to describe a specific communication protocol and standard which has been developed for open-market use by a consortium of different companies. As such, this term is considered to be a *Name Used In Trade*, and hence identifies articles or products irrespective of the producer. The meaning of the term is established by the definitions in the specification and claims, such as described in Para. [0039], and is well-known and satisfactorily defined in the literature, such as shown at <http://www.w3.org/TR/voicexml20/>. Accordingly, under the MPEP § 608.01(v), this term is believed to be permissible as used in the present application.

4. Rejections Under 35 U.S.C. § 112

Claims 5, 9, 17-20, and 24-26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 9, 17, 18, 24, and 26 have been amended to overcome the specific rejections identified by the Examiner in the Office Action of September 22, 2005. The remaining claims which have been rejected under 35 U.S.C. § 112, second paragraph, each depend from one of these amended claims, and accordingly, are now seen as allowable under 35 U.S.C. § 112, second paragraph for the same reasons.

5. Rejections Under 35 U.S.C. § 102(b)

The rejection of Claim 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,085,428 to *Casby et al.* is rendered moot by the cancellation of independent Claim 24.

6. Rejections Under 35 U.S.C. § 102(e)

The rejection of Claim 24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0055535 to *Voeller et al.* is rendered moot by the cancellation of independent Claim 24.

7. Rejections Under 35 U.S.C. § 103(a)

a. Claims 1, 2, 4-8, 10-23, 25-30, and 32-35

The rejection of Claims 1, 2, 4-8, 10-23, 25-30, and 32-35 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2005/0055535 to *Voeller et al.* in view of U.S. Patent No. 5,692,059 to *Kruger* is respectfully traversed.

The Examiner acknowledges that the '535 *Voeller et al.* reference constitutes prior art only under 35 U.S.C. § 102(e). However, under 35 U.S.C. § 103(c)(1), the '535 *Voeller et al.* reference is disqualified as prior art in a rejection under 35 U.S.C. § 103(a) because, at the time the claimed invention was made, the '535 *Voeller et al.* reference was owned by the same entity as the present application. Specifically, the '535 *Voeller et al.* reference was assigned to Hunter Engineering Co. on September 17, 2001, as recorded at Reel 12180, Frames 140-143. The present application is similarly assigned to Hunter Engineering Co., as recorded at Reel 15030, Frame 432.

Since the '535 *Voeller et al.* reference is not properly prior art to the present application under 35 U.S.C. § 103(a), the rejection of Claims 1, 2, 4-8, 10-23, 25-30,

and 32-35 under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 2005/0055535 to *Voeller et al.* in view of U.S. Patent No. 5,692,059 to *Kruger* should be withdrawn.

b. Claims 1, 3, 8, and 9

The rejection of Claims 1, 3, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,085,428 to *Casby et al.* in view of U.S. Patent No. 6,594,370 to *Anderson* is respectfully traversed. The Examiner's stated basis for the rejection is that the '428 *Casby et al.* reference teaches voice control of a wheel alignment device, using a microphone, speaker, speech processing and speech generation, a headset, wireless communication, a CPU, software included in a software module, trigger words, phonetically distinct words, and audio associated with a wheel alignment procedure. The Examiner further notes that while the '428 *Casby et al.* reference fails to teach the use of a throat microphone or Bluetooth communications, the '370 *Anderson* reference does teach the use of a throat microphone and Bluetooth communication for enhanced performance and functions, and as such, it would have been obvious to one of ordinary skill in the art to modify the '428 *Casby et al.* reference in view of the '370 *Anderson* reference to use a throat microphone and Bluetooth communications.

Independent Claim 1 has been amended to clarify that the central processing unit of the wheel alignment system is configured to receive a data signal representative of a received acoustic signal, and to process the data signal to identify at least one discrete spoken command within the received acoustic signal.

In contrast, the '428 *Casby et al.* reference teaches that acoustic signals are received and not processed at the central processing unit, but rather are processed at a discrete speech processor module. As is clearly shown in Figure 4 of the '428 *Casby et al.* reference, the wheel alignment system console 44 includes two separate and discrete processors; a speech processor module 58 (such as a Motorola DSP 56002) and a main CPU 68 (such as an Intel 80386). Processing of voice audio input from the microphone 10 to identify individual spoken commands is handled by the speech processor module 58, which then communicates digital signals corresponding to the identified spoken commands to the main CPU 68. (Col. 3, lines 46-52; Col. 4, lines 8-41). Hence, in the '428 *Casby et al.* reference, the central processing unit is not configured to carry out the task of processing voice audio input to identify one or more spoken commands. Rather, the '428 *Casby et al.* reference teaches that this is handled by a discrete speech processor module 58, and not by the main CPU 68.

The combination of the '370 *Anderson* reference with the '428 *Casby et al.* reference fails to render obvious the claimed invention, as the '370 *Anderson* reference does not address the identified shortcomings of the '428 *Casby et al.* reference. Specifically, the '370 *Anderson* reference does not suggest to one of ordinary skill in the art to modify the teachings of the '428 *Casby et al.* reference by eliminating the speech processing module or by configuring the central processing unit to carry out the tasks of processing voice audio input signals to identify discrete spoken commands. The '370 *Anderson* reference does not address the problems associated with audio signal voice command recognition processing.

Accordingly, independent Claim 1 and dependent Claims 3, 8, and 9 are believed to be non-obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 6,085,428 to *Casby et al.* in view of U.S. Patent No. 6,594,370 to *Anderson*.

c. Claims 1, 2, 4, 6-8, 10-17, 19-30, and 32-35

The rejection of Claims 1, 2, 4, 6-8, 10-17, 19-30, and 32-35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,085,428 to *Casby et al.* in view of U.S. Patent No. 5,692,059 to *Kruger* is respectfully traversed. The Examiner's stated basis for the rejection is that the '428 *Casby et al.* reference teaches voice control of a wheel alignment device, using a microphone, speaker, speech processing and speech generation, a headset, wireless communication, a CPU, software included in a software module, trigger words, phonetically distinct words, and audio associated with a wheel alignment procedure. The Examiner further notes that while the '428 *Casby et al.* reference fails to teach the use of a contact microphone and an air microphone, the '059 *Kruger* reference teaches the use of an earpiece having a combination of a contact microphone and an air microphone to reduce noise sensitivity and for use with noise filtering. The Examiner contends that it would have been obvious to one of ordinary skill in the art to modify the teachings of the '428 *Casby et al.* reference in view of the '059 *Kruger* reference to use a combination microphone in a noisy workshop environment.

The combination of the '059 *Kruger* reference with the '428 *Casby et al.* reference fails to render obvious the claimed invention, as the '059 *Kruger* reference does not address the identified shortcomings of the '428 *Casby et al.* reference. Specifically, the '059 *Kruger* reference does not suggest to one of ordinary skill in the art

to modify the teachings of the '428 *Casby et al.* reference by eliminating the speech processing module or by configuring the central processing unit to carry out the tasks of processing voice audio input signals to identify discrete spoken commands. The '059 *Kruger* reference does not address the problems associated with audio signal voice command recognition processing.

Accordingly, Claims 1, 2, 4, 6-8, 10-17, and 19-37 are believed to be non-obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,085,428 to *Casby et al.* in view of U.S. Patent No. 5,692,059 to *Kruger*.

As set forth below, dependent Claims 28, 29, and 32-35 have been amended to depend from allowable Claim 31, and accordingly, are seen as allowable over the cited references for the same reasons as Claim 31.

d. Claim 5 and 18

The rejection of Claims 5 and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,085,428 to *Casby et al.* in view of U.S. Patent No. 5,692,059 to *Kruger* as applied to Claims 1, 2, 4, 6-8, 10-17, 19-30, and 32-35 above, and further in view of U.S. Patent Application Publication No. 2003/0191649 to *Stout et al.* is respectfully traversed. The Examiner's stated basis for the rejection is the teachings of the combination of the '428 *Casby et al.* reference and the '059 *Kruger* reference discussed above, in combination with the teachings of the '649 *Stout et al.* reference related to the use of VoiceXML to generate user interfaces. As such, the Examiner contends it would have been obvious to modify the combination of the '428 *Casby et al.* reference and the '059 *Kruger* reference to use a standard voice interface such as VoiceXML as suggested by the '649 *Stout et al.* reference.

The combination of the '059 *Kruger* and the '649 *Stout et al.* references with the '428 *Casby et al.* reference fails to render obvious the claimed invention, as the '059 *Kruger* reference does not address the identified shortcomings of the '428 *Casby et al.* reference. Specifically, the '059 *Kruger* and the '649 *Stout et al.* references do not suggest to one of ordinary skill in the art to modify the teachings of the '428 *Casby et al.* reference by eliminating the speech processing module or by configuring the central processing unit to carry out the tasks of processing voice audio input signals to identify discrete spoken commands. The '059 *Kruger* and the '649 *Stout et al.* references do not address the problems associated with audio signal voice command recognition processing.

Accordingly, Claims 5 and 18 are seen as non-obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 6,085,428 to *Casby et al.* in view of U.S. Patent No. 5,692,059 to *Kruger* as applied to Claims 1, 2, 4, 6-8, 10-17, 19-30, and 32-35 above, and further in view of U.S. Patent Application Publication No. 2003/0191649 to *Stout et al.*

8. Allowed Claims

The Examiner has objected to Claim 31 as being dependant upon a rejected base claim, but would otherwise be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Claim 31 has been amended to be in independent form, and is now seen as allowable.

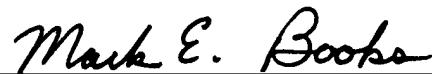
Claims 28, 29, and 32-35 have been amended to depend from Claim 31, and accordingly, are seen as allowable over the cited references for the same reasons as Claim 31.

9. Conclusion

Based on the foregoing, the allowance of claims 1-23 and 25-35 is requested.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,



Mark E. Books, Reg. No. 40,918
Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Drive, Suite 200
St. Louis, Missouri 63131
Tel: (314) 238-2400
Fax: (314) 238-2401
mbooks@patpro.com